

DEP³ REF

FEB 17

FEB 23 10 4 29

US PATENT & TRADEMARK
OFFICEMS 16
Docket No.: 4456-0106PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yukihide IWAMOTO et al.

Application No.: 10/566,362

Filed: January 30, 2006

For: METHOD OF CONSTRUCTING ARTIFICIAL
JOINT

Confirmation No.: 3478

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

ATTENTION:

Refund Section
Accounting Division
OFFICE OF FINANCE

REQUEST FOR A REFUND
(IMPROPER FEES PAID - SMALL ENTITY PREVIOUSLY ESTABLISHED)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following documentation and remarks are respectfully submitted in connection with the above-identified application.

DOCUMENTATION

Attached hereto is:

and/or



a copy of written assertion of small entity status filed on **February 17, 2006;**

Adjustment date: 03/17/2006 RWHITE1
 03/01/2006 MKAYPAGH 00000159 10566362 -300.00
 01 FC:1631 -400.00
 01 FC:1642 -200.00
 01 FC:1617 -100.00
 01 FC:1616 -100.00

a copy of an executed Statement Claiming Small Entity Status (37 C.F.R. § 1.9(f))
and 1.27) - Independent Inventor filed on

Birch, Stewart, Kolasch & Birch, LLP

Repl. Ref: 03/17/2006 RWHITE1 0010566362
Date/Number: 03/01/2006 10566362
Fee: 440 Rate/Amount: 000.00 4.00



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Art Unit: Not Yet Assigned

For: METHOD OF CONSTRUCTING ARTIFICIAL
JOINT

Examiner: Not Yet Assigned

ASSERTION OF SMALL ENTITY STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

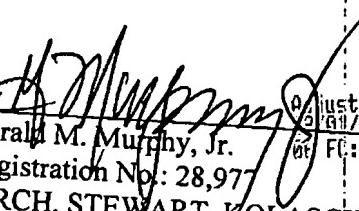
Sir:

The above-identified application qualifies for small entity status. This written assertion of small entity status should satisfy the requirements of 37 C.F.R. § 1.27.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: FEB 17 2006

Respectfully submitted,

By 
Gerald M. Murphy, Jr.
Registration No: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
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Attorney for Applicant

Adjustment date: 03/17/2006 RWHITE1
03/17/2006 MKAYPAGH 00000159 10566362
-130.00 OP
Ref: FC:1464

Ref: 03/17/2006 RWHITE1 0010001750
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REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the filing fees paid on January 30, 2006. Small entity status is established by the filing of a written assertion/statement on even date herewith.

Under 37 C.F.R. § 1.26(b), any request for a refund, which is not based upon subsequent entitlement to small entity status must be filed with a two-year non-extendable time limit.

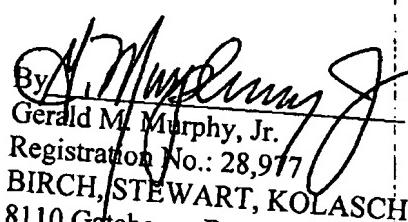
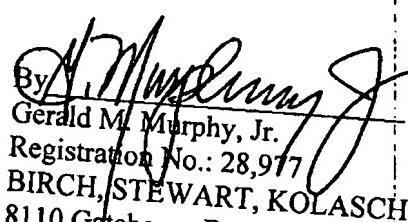
The filing fees in the amount of \$1,520.00 were paid on January 30, 2006. It is respectfully requested that the excess fee of \$825.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 17, 2006

Respectfully submitted,


By 
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03/17/2006 RWHITE1	00000004	10566362
01 FC:2631	150.00	OP
01 FC:2642	200.00	OP
03 FC:2633	100.00	OP
04 FC:2617	65.00	OP
05 FC:2616	180.00	OP
06 FC:1464	130.00	OP

Attachment:
Assertion of Small Entity Status

BIRCH, STEWART, KOLASCH & BIRCH, LLP